REMARKS

Claims 1-20 are pending, claims 1 and 11 having been amended in this response. The amendments find support in the specification, Fig. 1, for example.

102 Rejections

Claims 1, 2, 4, 7-9, 11, 12, and 19 were rejected under 35 U.S.C. 102(a) or (e) as being anticipated by Wada (EP 1 306 725 A1 ("EP '725") or U.S. Patent Appn. US 2003/0082482 A1 ("US '482")). Applicants traverse the rejections.

Neither Wada reference is prior art to the present application. The present application claims priority to JP 2002-207319 ("JP '319"), which has a filing date of July 16, 2002. Copies of JP '319 and its English Abstract are enclosed herewith for the Examiner's reference. The publication date of EP '725 is February 5, 2003, which is after the priority date of July 16, 2002 of the present application. US '482 has a filing date of October 24, 2002, which is after the priority date of July 16, 2002 of the present application.

Withdrawal of the rejections is therefore requested.

Claims 1, 2, 11, and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by Van Zoeren (U.S. Patent No. 5,858,604). Applicants traverse the rejections.

Van Zoeren discloses a layer of an infrared radiation sensitive material that includes an infrared absorbing agent, a radiation-opaque material, and a self-ablative binder. See Van Zoeren, col. 5, ll. 15-18, 40-43, 65-67; col. 6, ll. 15-19. According to Van Zoeren, the self-ablative binder must be present in the infrared sensitive layer. See Van Zoeren, col. 6, ll. 15-40. Therefore, the self-ablative binder is an essential element in the layer of Van Zoeren. Van Zoeren fails to teach or suggest an IR ablation layer as a layer consisting of an IR absorbent metal layer, without a self-ablative binder, as in claims 1 and 11 of the present invention.

Hence, claims 1, 11, and their respective dependent claims are not believed to be anticipated by Van Zoeren. Withdrawal of the rejections is therefore requested.

103 Rejections

Claims 3, 5, 6, 10, 13-18, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wada in view of Takeda (U.S. Patent No. 5,858,604). Applicants traverse the rejections.

As stated previously, neither Wada reference is prior art to the present application.

Takeda discloses a light shielding layer containing a water-soluble or aqueous alkali-soluble resin as a main component and a near-infrared absorbing dye. See Takeda, col. 24, ll. 8-10, 37-39. Takeda neither teaches nor suggests the IR ablation layer as a layer consisting of an IR absorbent metal layer, as in claims 1 and 11 of the present invention. Neither is there any motivation taught or suggested by Takeda to modify its light shielding layer to include an IR absorbent metal layer.

For at least the above reasons, claims 1, 11, and their respective dependent claims are believed to be patentable over Wada and Takeda. Withdrawal of the rejections is therefore requested.

Double Patenting Rejections

Claims 1, 2, 11, and 12 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 4, 5, 10, 11, 13-15, and 17 of co-pending Application No. 10/279,005.

Merely to obviate the double patenting rejections, a terminal disclaimer is submitted herewith over co-pending Application No. 10/279,005. Withdrawal of the rejections is therefore requested.

CONCLUSION

The claims are believed to be allowable. An early and favorable action to that effect is respectfully requested.

The Examiner is invited to call the undersigned at (202) 220-4200 to discuss any information concerning this application.

The Office is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

Date: September 29, 2005

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Enclosure:
Copies of JP 2002-207319 and its English Abstract

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